

SUPPORTING STATEMENT

Petition for Alien Fiance(e)

(Form I-129F)

OMB No. 1615-0001

A. Justification.

1. Section 214 (8 U.S.C. 1184(d)) of the Immigration and Nationality Act prohibits the issuance of a nonimmigrant visa under section 101(a)(15) of the Act until the consular officer abroad has received a petition filed in the United States by a U.S. citizen on behalf of his/her spouse or fiance(e) and approved by the Attorney General. Likewise, 8 CFR 214.2(k) sets forth procedures which must be followed by a citizen of the United States who wishes to bring his/her spouse or fiance(e) to the United States. This includes the requirement that a completed I-129F must be filed with the U.S. Citizenship and Immigration Services (USCIS) in order to petition for an alien spouse or fiance(e).

In December 2000, Congress passed the Legal Immigration Family Equity Act (LIFE) that established the new nonimmigrant classification for spouses and children of U.S. citizens under section 101(a)(15)(K) of the Immigration and Nationality Act. LIFE requires a petition

to be filed with the USCIS in the U.S. by the alien's spouse in order to be eligible for this benefit. The Form I-129F, with these minor changes, captures the necessary information in order to make a sound adjudication. Because LIFE became immediately effective in December, 2000, this Form must be changed to account for the new sections of the K nonimmigrant classification as quickly as possible.

2. This information is used by the USCIS to determine eligibility for the requested immigration benefit. The form serves the purpose of standardizing requests for the benefit, and ensuring that basic information required to assess eligibility is provided by petitioners.
3. The use of this form currently provides the most efficient means for collecting and processing the required data. In this case the USCIS does not employ the use of information technology in collecting and processing information. Currently, the USCIS does not have the automated capability in place to accept electronic submission of this application.
4. A review of the USCIS Forms Inventory Report revealed no duplication of effort, and there is no other similar information currently available that can be used for this purpose.
5. This collection of information does not have an impact on small businesses or other small entities.

6. If this information is not collected and presented to the USCIS there is no mechanism for the USCIS to determine whether satisfactory evidence has been submitted by the U.S. citizen to establish that the parties are married, in the case of a citizen seeking to obtain a nonimmigrant visa for their spouse. In the case of a citizen seeking to obtain a nonimmigrant visa for their fiancée, if this information is not collected and presented to the USCIS there is no mechanism for the USCIS to determine whether satisfactory evidence has been submitted by the U.S. citizen to determine that the citizen and alien have previously met in person within two years before the date of filing the petition, have a bona fide intention to marry, and are legally able and actually willing to conclude a valid marriage within ninety days after the alien's arrival in the United States.
7. The special circumstances contained in item 7 of the supporting statement are not applicable to this information collection.
8. Public comments cannot be addressed in the initial submission. Any public comments will be reconciled and addressed in the justification package with USCIS' second submission.
9. The USCIS does not provide payment or gifts to respondents in exchange for a benefit sought.
10. There is no assurance of confidentiality.

11. There are no questions of a sensitive nature.

12. Annual Reporting Burden:

| | | |
|----|--------------------------------------|---------------|
| a. | Number of Respondents | 200,000 |
| b. | Number of Responses per each request | 1 |
| c. | Total Annual Responses | 200,000 |
| d. | Hours per Response | .50 |
| e. | Total Annual Reporting Burden | 100,000 |
| f. | Total Public Cost | \$ 20,000,000 |

Annual Reporting Burden

Total annual reporting burden is 100,000. This figure was derived by multiplying the number of respondents (200,000) x frequency of response (1) x 30 minutes (.50 hours) per response. The projected hours per response for this collection of information were based on previous USCIS experience.

Annual Public Cost

The estimated annual public cost is \$20,000,000. This estimation is based on the number of respondents (200,000) x 30 minutes (.50) hours per response x \$10 (average hourly rate), plus the number of respondents (200,000) x \$170 fee charge.

13. There are no capital or start-up costs associated with this information collection. Any cost burdens to respondents as a result of this collection are identified in item 14. *(There is a \$170 fee charge of associated with the filing of this information collection.)*

14. Annualized Cost Analysis:

| | |
|---------------------------------|---------------|
| Printing Cost | \$ 90,000 |
| Collecting and Processing | \$ 18,910,000 |
| Total Cost to Program | \$ 19,000,000 |
| Fee Charge | \$ 19,000,000 |
| Total Annual Cost to Government | \$ 0 |

Government Cost

The estimated cost of the program to the Government is calculated by using the estimated number of respondents (200,000) multiplied (x) by the suggested \$95 fee charge (which includes the average hourly rate for clerical, officer, and managerial time with benefits). In addition, this figure includes the estimated overhead cost \$90,000 for printing, stocking, distributing and processing of this form.

15. There has been an increase in the estimated number of annual burden hours for this information collection from 10,000 to 100,000. The form now covers two benefits. Previously, it was used only for the fiancé(e)s of U.S. citizens who were seeking admission,

now it will also be used for the spouses of U.S. citizens seeking admission as a nonimmigrant. This 200,000 figure is based on the official USCIS projection for LIFE workload.

16. The USCIS does not intend to employ the use of statistics or the publication thereof for this collection of information.
17. The USCIS is not seeking approval to not display the expiration date for OMB approval of this information collection. The display of the expiration date would requires the USCIS to pull and destroy current forms in its inventory which could still be used by the public except for the expiration dates. In addition, any completed forms submitted by the applicant with expired dates would cause significant confusion and unnecessary delays to the applicant who is seeking the benefit. Therefore, the USCIS request that the display of the expiration date be waived.
18. The USCIS does not request an exception to the certification of this information collection. See attached Item 19 of Form OMB 83-I.

B. Collection of Information Employing Statistical Methods.

Not Applicable.

C. Certification and Signature.

PAPERWORK CERTIFICATION

In submitting this request for OMB approval, I certify that the requirements of the Privacy Act and OMB directives have been complied with including paperwork regulations, statistical standards or directives, and any other information policy directives promulgated under 5 CFR 1320.

Richard A. Sloan

Director

Regulatory Management Division

Date